

REMARKS

Claims 14, 17, 19, 23, 24, 26, 27, 29 and 32 are in the present application.

Claims 1-13, 21 and 22 had been withdrawn based on a restriction requirement and are now canceled herein for the purpose of moving this application along toward allowance. The cancellation of these claims is done reserving the right to pursue them in an appropriately-filed divisional application.

The Examiner has indicated that the present invention has an unsigned declaration. Submitted herein is a copy of the signed inventors' declaration in the present application. That declaration was filed in the present application in June, 1998. In light of the declaration, it is requested that the objection be withdrawn.

Claim 14 has been amended to eliminate the indications of primary neuronal injuries and secondary traumatic lesions from the list of conditions which the present assay is directed toward. Claim 33 is directed solely toward primary neuronal injuries and secondary traumatic lesions and has been canceled for the same reason.

The Examiner has indicated that claim 32 in its present form is allowable.

The only rejection currently pending in the present application is the rejection of claims 14, 17, 19, 23-24, 26-27, 29 and 33, under 35 U.S.C. § 102(b), based on Vandermeeren et al. (WO 94/13795). The Examiner based this rejection on his belief that Alzheimer's disease "is reasonably a 'primary neurological injury' that may include 'secondary traumatic lesions'", and that therefore the subject matter of claim 14 and those claims dependent therefrom would have been anticipated by Vandermeeren's disclosure relating to Alzheimer's disease. Without dealing with the merits of this argument, applicants have removed "primary neurological injury" and "secondary traumatic lesions" from the claims of the present application. The claims of the present application now relate solely to an assay for the detection and measurement of acute cerebral vascular accident (which has already been allowed in claim 32), primary hemorrhages and primary vascular injuries. None of those conditions are directly associated with Alzheimer's disease or are disclosed in the Vandermeeren et al. reference. In addition, none of these conditions are suggested by the disclosure of the Vandermeeren et al. reference. Accordingly,

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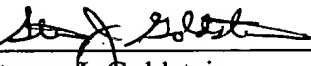
since the Vandermeeren et al. reference neither discloses nor suggests an assay for these conditions, the rejection under 35 U.S.C. § 102(b) is no longer applicable and it is respectfully requested that it be withdrawn.

In light of the foregoing amendments, reconsideration and allowance of the claims in the present application, as currently amended, is earnestly solicited.

Respectfully submitted,

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